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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,957	MARINE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Urszula M. Cegielnik	3711	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 21 April 2006.
2. ☒ The allowed claim(s) is/are 5, 6, 9-12, 15-17, and 20-48.
3. ☒ The drawings filed on 25 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Peter Sabido on 15 May 2006.

The application has been amended as follows:

Claim 5, line 12, "may" has been replaced with "is able to".

Claim 5, line 15, "may" has been replaced with "is able to".

Claim 9, line 22, "may" has been replaced with "is able to".

Claim 11, line 4, "may" has been replaced with "is able to".

Claim 20, line 5, "may" has been replaced with "is able to".

Claim 25, line 7, "may" has been replaced with "is able to".

Claim 25, line 11, "may" has been replaced with "is able to".

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitation(s) of "...a support plane defined by the posterior end of the body and the foot, wherein the support plane is adapted to rest on surface, and wherein for each rotational position of the at least one appendage, the body is able to be maintained in a different position relative to the support plane; a lever assembly connecting the at least one appendage to the head, wherein for each rotational position of the at least one

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appendage, the lever assembly is adapted to be hold the head in a different position relative to the body and maintains the head in an approximately level orientation relative to the support plane...” and “at least one sensor including at least one transition sensor... a first mode, wherein the controller receives an input from the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a first persona; a second mode wherein the controller receives an input from the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a second persona...a transition mode, wherein the controller receives an input from the at least one transition sensor and produces output that converts the toy between the first mode and the second mode...” are not anticipated or made obvious by the prior art of record in the examiner’s opinion. For example, Stadlbauer, Hampton, Gaynor et al. Smirnov, Bart et al. teach a variety of convertible and interactive toys. However, the prior art fails to teach of “...a support plane defined by the posterior end of the body and the foot, wherein the support plane is adapted to rest on surface, and wherein for each rotational position of the at least one appendage, the body is able to be maintained in a different position relative to the support plane; a lever assembly connecting the at least one appendage to the head, wherein for each rotational position of the at least one appendage, the lever assembly is adapted to be hold the head in a different position relative to the body and maintains the head in an approximately level orientation relative to the support plane...” and “at least one sensor including at least one transition

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sensor... a first mode, wherein the controller receives an input from the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a first persona; a second mode wherein the controller receives an input from the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a second persona... a transition mode, wherein the controller receives an input from the at least one transition sensor and produces output that converts the toy between the first mode and the second mode..."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 571-272-4420. The examiner can normally be reached on Monday through Friday, from 5:45AM-2:15PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene L. Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3711

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**STEPHEN BLAU**  
**PRIMARY EXAMINER**